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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 UNIVERSAL LIFE CHURCH OF  
12 SNOHOMISH COUNTY, a nonprofit  
13 corporation; DONALD WINDER, and  
14 ELIZABETH JOHNSTON, individually and as  
15 officers of Universal Life Church,

16 Plaintiffs,

17 v.

18 GMAC MORTGAGE CORPORATION; JP  
19 MORGAN CHASE BANK CORPORATION;  
20 and SELECT PORTFOLIO SERVICING, INC.,  
21 f/k/a FAIRBANKS CAPITAL CORPORATION;

22 Defendants.

CASE NO. C06-651RSM

ORDER ON MOTION FOR  
RECONSIDERATION

23 This matter is before the Court for consideration of plaintiffs' motion for reconsideration of the  
24 Order granting summary judgment to defendant Select Portfolio Servicing, Inc. ("SPS"). Dkt. # 53.  
25 Such motions are disfavored and will be denied in the absence of "a showing of manifest error in the prior  
26 ruling or a showing of new facts or legal authority which could not have been brought to its attention  
27 earlier. . . ." Local Rule CR 7(h)(1). The Court deems it unnecessary to direct a response to this motion,  
28 and for the reasons set forth below, shall deny the motion.

ORDER ON MOTION FOR  
RECONSIDERATION - 1

1 First, plaintiffs' ten-page motion exceeds the allowable page limit for a motion for  
2 reconsideration. Local Rule CR 7(e)(1). Second, although plaintiffs assert the discovery of new facts in  
3 the form of information about how a particular check was handled, they have failed to demonstrate how  
4 that fact is relevant to the issues that were before the Court or how it would lead to a modification of the  
5 Court's ruling. Plaintiffs assert that they have discovered that SPS cashed plaintiffs' November 2003  
6 mortgage check, and then sent a replacement check to Gina Bakeng, instead of sending plaintiffs'  
7 payment check itself to Ms. Bakeng as alleged previously (which allegation the Court adopted in the  
8 challenged Order). This change in the facts surrounding the handling of that check is irrelevant to the  
9 Court's determination on plaintiffs' negligence claim against SPS, which was based in part upon the  
10 Court's finding that no duty was owed by SPS to plaintiffs.

11 Plaintiffs also challenge the court's determination that their negligence claims against SPS are  
12 foreclosed by the Washington Deed of Trust Act, RCW 61.24. Plaintiffs' assert that the Court  
13 overlooked their argument that they could not meet the requirements of the Washington Deed of Trust  
14 Act due to defendant's "misfeasance and nonfeasance" in handling the check. Motion for  
15 Reconsideration, p. 4. However, this argument was considered and rejected in the Court's ruling. Order  
16 on Motion for Summary Judgment, p. 6. Plaintiffs' motion thus amounts to impermissible re-argument of  
17 matters already considered and decided.

18 Accordingly, plaintiffs' motion for reconsideration is DENIED.

19 DATED this 23<sup>rd</sup> day of May 2007.

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21 RICARDO S. MARTINEZ  
22 UNITED STATES DISTRICT JUDGE  
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